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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SHARPER IMAGE CORPORATION, a
Delaware corporation, and ZENION
INDUSTRIES, INC., a California corporation,

Plaintiffs,

v.

NEOTEC, INC., a Nevada corporation, and
INDOOR PURIFICATION SYSTEMS, INC., a
Utah corporation,

Defendants.

Case No. 03-4426 CW

**STIPULATED CASE MANAGEMENT
ORDER**

1 Pursuant to the Court's Order dated April 1, 2004, Sharper Image Corporation and Zenion
2 Industries, Inc. (collectively "Sharper Image") and Indoor Purification Systems, Inc. ("IPS") hereby
3 submit the following Stipulated Case Management Order.

4 The parties are in agreement as to the following Patent Local Rules Deadlines:

5 **Patent Local Rules Deadlines:**

6 Preliminary Infringement Contentions	April 16, 2004
7 Preliminary Invalidity Contentions	June 1, 2004
8 Exchange Proposed Disputed Claim Terms	June 15, 2004
9 Exchange Proposed Claim Constructions	July 6, 2004
10 Joint Claim Construction and Prehearing Statement	August 2, 2004
11 Claim Construction Discovery Closes	September 1, 2004
12 Sharper Image's Claim Construction Brief	September 16, 2004
13 Defendants' Response Claim Construction Brief	September 30, 2004
14 Sharper Image Reply Brief	October 7, 2004
15 Claim Construction Hearing	October 22, 2004
16 Final Infringement Contentions	15 days post Claim Construction Ruling
17 Final Invalidity Contentions	30 days post Claim Construction Ruling

18 **Discovery Deadlines:**

19 Because they cannot agree as to appropriate discovery deadlines, Sharper Image and IPS are
20 presenting separate proposals:

21 **Sharper Image's Proposal:**

22 In March 2004, the parties filed a Joint Case Management Statement with proposed
23 discovery deadlines. Since that time, Sharper Image has filed a Motion for Leave to file an
24 Amended Complaint. Sharper Image's proposed Amended Complaint includes one additional party
25 and three additional patents (none of which were in suit at the time of the JCMS's filing). In
26 addition, since that time, the Court has related this case to two other patent infringement lawsuits
27 pending in this Court. In light of the foregoing, Sharper Image believes the proposed schedule
28 previously presented in the parties Joint Case Management Statement ("JCMS") is impractical and

1 unmanageable. For example, Sharper Image cannot agree to a fact discovery deadline that coincides
2 with either of the other related cases (wherein the fact discovery period is closing in January and
3 February 2005). Further, the schedule presented in the previously submitted JCMS does not allow
4 for enough time in between the dispositive motion deadline and the final pretrial conference.

5 Moreover, because of the highly seasonal nature of Sharper Image's business, it is extremely
6 burdensome for Sharper Image to schedule a trial during the retail holiday shopping season (October
7 through December).

8 Accordingly, Sharper Image propose the following amended schedule:

9 Deadline for serving Rule 26(a) Disclosures	April 23, 2004
10 Fact Discovery Closes	April 29, 2005
11 Expert Witness Reports	May 20, 2005
12 Rebuttal Expert Reports	June 17, 2005
13 Completion of Expert Discovery	August 5, 2005
14 Dispositive Motion Filing Deadline	September 23, 2005
15 Final Pretrial Conference	February 17, 2006
16 Trial Begins	February 27, 2006

17 **IPS's Proposal:**

18 Defendant Indoor Purification Systems believes that the dates the parties stipulated to just
19 four weeks ago in the Joint Case Management Statement filed on March 19, 2004 should be used.
20 Plaintiffs joined in that stipulation with full knowledge that they were going to seek to amend the
21 complaint (plaintiffs so stated in the Joint Case Management Statement – *see* ¶ 8 on p. 4), so the
22 amendment that the plaintiffs have recently sought leave to make does not constitute changed
23 circumstances, does not relieve plaintiffs from the stipulation they made, and does not justify
24 stretching this case out nine additional months. Further, two patents Sharper Image is “adding” were
25 already being asserted in this very case against co-defendant Neotec, Inc., so those patents do not
26 justify a 9-month extension of this case. Lastly, Sharper Image's desire to have its cases not come to
27 trial “during the retail holiday season” does not justify moving the trial date it agreed to from May
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1 2005 to February 2006. The dates Sharper Image stipulated to, which will lead to the much more
2 prompt disposition of this case, were as follows:

3 Deadline for serving Rule 26(a) Disclosures	April 23, 2004
4 Fact Discovery Closes	60 days after Claim Construction Order
5 Expert Witness Reports	90 days after Claim Construction Order
6 Rebuttal Expert Reports	120 days after Claim Construction Order
7 Completion of Expert Discovery	150 days after Claim Construction Order
8 Dispositive Motion Filing Deadline	February 11, 2005
9 Final Pretrial Conference	May 9, 2005
10 Trial Begins	May 23, 2005

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2 Dated: April 15, 2004

3 SHARPER IMAGE CORPORATION and
4 ZENION INDUSTRIES, INC.

5 /s/ Noelle J. Quinn (electronically filed)*

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17 *Attorneys for Plaintiff Sharper Image*
18 *Corporation and Zenion Industries, Inc.*

Dated: April 15, 2004

INDOOR PURIFICATION SYSTEMS, INC.

/s/

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Attorneys for Defendant Indoor Purification
Systems, Inc.

19 *Pursuant to General Order No. 45, Section X, by signing above counsel for Plaintiff hereby
20 attests it maintains a file copy of this stipulation bearing Defendant's counsel's signature.
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UNITED STATES DISTRICT COURT
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SHARPER IMAGE CORPORATION, a
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INDUSTRIES, INC., a California corporation,

Plaintiffs,

v.

NEOTEC, INC., a Nevada corporation, and
INDOOR PURIFICATION SYSTEMS, INC., a
Utah corporation,

Defendants.

Case No. 03-4426 CW

**[PROPOSED] CASE MANAGEMENT
ORDER**

This matter came to be heard on the parties stipulated and separate proposed Case Management Orders. The Court has considered the parties' proposals, and **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED** that the parties shall adhere to the following Patent Local Rules schedule:

Preliminary Infringement Contentions	April 16, 2004
Preliminary Invalidity Contentions	June 1, 2004
Exchange Proposed Disputed Claim Terms	June 15, 2004
Exchange Proposed Claim Constructions	July 6, 2004
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Final Infringement Contentions	15 days post Claim Construction Ruling
Final Invalidity Contentions	30 days post Claim Construction Ruling

As to the parties' different proposals respecting discovery deadlines and an appropriate trial date **IT IS HEREBY ORDERED THAT** the parties shall adhere to the following schedule:

Deadline for serving Rule 26(a) Disclosures	April 23, 2004
Fact Discovery Closes	_____
Expert Witness Reports	_____
Rebuttal Expert Reports	_____
Completion of Expert Discovery	_____
Dispositive Motion Filing Deadline	_____
Final Pretrial Conference	_____
Trial Begins	_____

Dated: _____

U.S. District Judge Claudia Wilken